

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE )

MR. JUSTICE BELOBABA )

Wednesday, THE 29<sup>TH</sup>

DAY OF MAY, 2019

BETWEEN:

**CHRISTOPHER WELSH**

Plaintiff

- and -

**HER MAJESTY THE QUEEN  
IN RIGHT OF THE PROVINCE OF ONTARIO**

Defendant

Proceeding under the *Class Proceedings Act, 1992*

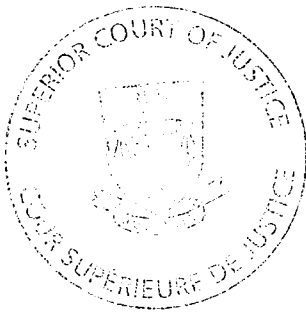
**ORDER**

**WHEREAS** the return of Class Counsels' fee approval motion was initially scheduled for April 4, 2019 following the Court of Appeal for Ontario's decision in this matter of January 24, 2019 ("**Fee Approval Hearing**").

**AND WHEREAS** the settlement dated November 20, 2017 (the "**Settlement**") was approved by the Court by order of May 24, 2018, and the Settlement provides for an all-inclusive settlement fund of \$15,000,000 (the "**Settlement Fund**");

**AND WHEREAS** on March 28, 2019 the Honourable Mr. Justice Glustein adjourned the April 4, 2019 Fee Approval Hearing to June 11, 2019.

**AND WHEREAS** Justice Glustein ordered the dissemination of notice of the adjournment of the Fee Approval Hearing to June 11, 2019 by Order dated March 29, 2019.



**AND WHEREAS** on May 27, 2019 the Court advised that Justice Glustein would no longer hear the Fee Approval Hearing on June 11, 2019. Instead Justice Belobaba was assigned to hear the Fee Approval Hearing on June 24, 2019.

1. **THIS COURT ORDERS** that the Fee Approval Hearing be hereby adjourned to June 24, 2019.

2. **THIS COURT ORDERS** that notice of the adjournment of the Fee Approval Hearing is approved substantially in the form attached hereto as **Schedule "A"** (the "Second Adjournment Notice").

3. **THIS COURT ORDERS** that the notice of second adjournment of the Fee Approval Motion shall be disseminated as follows, which is in accordance with the methods described in Paragraph 1 of Schedule "D" of Justice Perell's Order of January 16, 2019 (except for subparagraph 1(f) thereof), with necessary modifications:

- (a) The Second Adjournment Notice will be sent by email or direct mail by Crawford Class Action Services ("Crawford") to any person whose contact information has been provided to, or is otherwise known to, Crawford and/or Class Counsel or who have contacted Crawford and/or Class Counsel;
- (b) Crawford and Class Counsel will:
  - (i) post the Second Adjournment Notice and a video captioning of the content of the Second Adjournment Notice in American Sign Language ("ASL Notice") on their websites;
  - (ii) forward the Second Adjournment Notice and link to the ASL Notice to any Class Member who requests same; and
  - (iii) distribute the Second Adjournment Notice and link to the ASL Notice, as an automated response to any person sending an email

to SchoolAbuse@kmlaw.ca or to the Crawford email for this action;

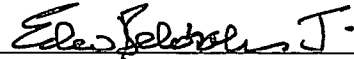
- (c) The Second Adjournment Notice will be sent by email or by regular mail by Crawford to the persons and/or entities on the list of community agencies funded by the defendant to provide services to members of the Student Class, previously provided by the defendant;
- (d) Crawford will make best efforts to distribute the Second Adjournment Notice and link to the ASL Notice to any website, listserv, or email list where they believe the notice will come to the attention of the class members;
- (e) Crawford will provide the Second Adjournment and link to the ASL Notice to the following organizations:
  - (i) Canadian Hearing Society;
  - (ii) the Canadian Association of the Deaf;
  - (iii) the Ontario Association of the Deaf;
  - (iv) the Toronto Association for the Deaf;
  - (v) the Western Institute for the Deaf and Hard of Hearing;
  - (vi) Deaf BC;
  - (vii) Greater Vancouver Association of the Deaf;
  - (viii) Society of Deaf and Hard of Hearing Nova Scotians;
  - (ix) Saskatchewan Deaf and Hard of Hearing Services;
  - (x) Alberta Association of the Deaf;
  - (xi) Calgary Association of the Deaf;
  - (xii) Deaf Centre Manitoba Inc.;
  - (xiii) Edmonton Association of the Deaf;

(xiv) Saint John Deaf and Hard of Hearing services Inc.; and,

(xv) Newfoundland & Labrador Association of the Deaf;

and request that they post the notice on their websites, distribute it on any listservs they maintain, and otherwise distribute it in a manner that will likely come to the attention of class members, such as via a text message blast;

4. **THIS COURT ORDERS** that the expenses of distributing the Second Adjournment Notice and ASL Notice and the Administrator's responsibilities herein shall be paid from the Settlement Fund.

  
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ENTERED AT / INSCRIPT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:

MAY 29 2019

PER/PAR



## SCHEDULE "A"

### **To Anyone Who Attended the Ernest C. Drury School for the Deaf, the Sir James Whitney School for the Deaf, and the Robarts School for the Deaf**

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*This notice was approved by the Ontario Superior Court of Justice*

- If you attended the Ernest C. Drury School for the Deaf ("Drury") at any time between September 1, 1963 and August 23, 2016, Sir James Whitney School for the Deaf ("Whitney") between September 1, 1938 and August 23, 2016, or Robarts School for the Deaf ("Robarts") between September 1, 1973 and August 23, 2016, please read this notice. **If you know a former student please share this information with them.**
- A court hearing was scheduled for June 11, 2019 at the Superior Court in Toronto to decide whether the lawyer's fees should be approved. The hearing date has been changed. **That hearing will now take place on June 24, 2019.**
- an ASL video of this notice will be available on the Claims Administrator's website shortly.
- A detailed notice of this hearing and the lawyer's request for fees was already distributed and can be found on the Claims Administrator's website. An ASL video of that notice can also be found on the Claims Administrator's website.
- The deadline to submit an objection in advance of the hearing was May 15, 2019.
- The hearing may be moved to a different date or time without additional notice, so you should check the Claim's Administrator's website at [www.schoolsforthedeafclassaction.ca](http://www.schoolsforthedeafclassaction.ca) or by calling 1-855-823-0656 (TTY: 1-877-627-7027) in advance of the hearing if you are planning to attend.

CHRISTOPHER WELSH  
Plaintiff

HER MAJESTY THE QUEEN IN RIGHT  
OF THE PROVINCE OF ONTARIO  
Defendant

Court File No.: CV-15-53404200CP

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

**ORDER**

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